

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Ronald A. KATZ

Serial No.: 09/827,614

Filed: April 5, 2001

For: TELEPHONIC-INTERFACE
STATISTICAL ANALYSIS
SYSTEM

) Group Art Unit: 2643
)
) Examiner: S. Woo
)
) Office Action mailed: Oct. 17, 2002
)
) Attorney Docket No.: 6646-101NR
)
) Customer No.: 50-1636
)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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DECLARATION OF BYARD G. NILSSON

I, Byard G. Nilsson, am admitted to practice before the United States Patent and Trademark Office (USPTO) and am employed by A2D, L.P., a partnership responsible for the prosecution of the subject patent application (Serial No. 09/827,614). I hereby declare as follows and unless indicated otherwise believe I could competently testify thereto.

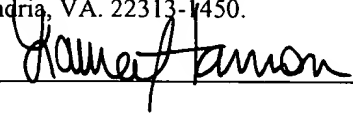
1. Shortly after May 15, 2003, I became aware of a question regarding the timely filing of a response to an Office Action dated October 17, 2002 in the subject patent application (09/827,614).

2. On information and belief, subsequent to the Office Action, Reena Kuyper prepared a response thereto; however, although the response was docketed in the records of

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

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9/10/03
Date


Laura Harmon

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A2D, L.P., it was never transmitted to the USPTO and that after a diligent and intensive search no confirmatory copy of any such response has been located.

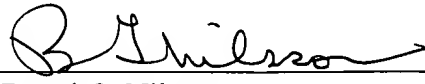
3. That on or about June 6, 2003, I terminated Deanne Dale as an employee of A2D, L.P., she having been employed in the capacity of docketing clerk. On more than one occasion prior to the termination, I requested information as to the subject application and any response thereto; however, Ms. Dale consistently indicated she had no recollection regarding any aspect of the case. The abandonment of the subject application was unintentional.

4. That between the time of May 15, 2003 and the current time, the demands on my time in the employment of A2D, L.P. have been very heavy in view of pending litigation, patent licensing and prosecution activity. Although I have no recollection of seeing a response to the October Office Action, between July 15, 2003 and the present time, I conducted an extensive search through my office and my home for any documents relating to the Office Action; however, none were located. From Friday, July 4, 2003 through Monday, July 14, 2003, I was out of the office on a long-planned trip.

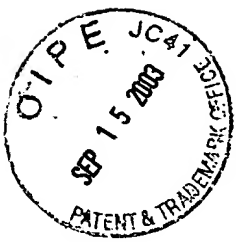
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Respectfully submitted,

Dated: Sept 10, '03

By: 
Byard G. Nilsson
Registration No. 17,350

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Los Angeles, CA 90069
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DECLARATION OF REENA KUYPER

I, Reena Kuyper, am admitted to practice before the United States Patent and Trademark Office (USPTO) and am employed by A2D, L.P., a partnership responsible for the prosecution of the subject patent application (Serial No. 09/827,614). I hereby declare as follows and unless indicated otherwise believe I could competently testify thereto.

1. After October 21, 2002, I became aware of an Office Action in the subject patent application and recognized the need to file a timely response thereto prior to April 17, 2003.

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2. Between the dates of October 21, 2002 and April 17, 2003, I considered the October Office Action in detail, formulated thoughts for a response and to the best of my information and belief prepared a response to the Office Action.

3. On or about May 15, 2003, I was advised of a telephone message from Examiner Stella Woo regarding the subject application indicating that a response had not been received. Thereafter, I spoke with Examiner Woo by telephone in the belief that a response to the Office Action had been prepared and transmitted as indicated by computer records of A2D, L.P. I then requested searches for a response to the October Office Action by all persons possibly involved and personally undertook an extensive search of my own, continuing in the belief that a response had been prepared. On more than one occasion I spoke with Deanne Dale regarding the response to the Office Action and the docketing files of A2D, on each occasion I gained no additional information regarding the situation, she indicating no recollection. I concluded that no record of any response would be found. The abandonment of the subject application was unintentional, resulting from a docketing error.

4. Between May 15, 2003 and the current time, the demands on my working time at A2D, L.P. have been exceedingly heavy specifically with respect to currently pending litigation, patent prosecution and licensing activities of the company. Additionally, I was out of the country between the dates of August 13, 2003 and September 3, 2003.

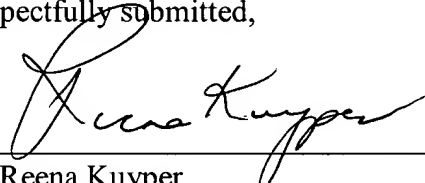
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Respectfully submitted,

Dated: 9/10/03

By: 
Reena Kuyper
Registration No. 33,830

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DECLARATION OF LAURA HARMON

I, Laura Harmon, declare that:

1. I am an experienced patent secretary, well-acquainted with procedures of the U.S. Patent and Trademark Office and employed by A2D, L.P., a partnership responsible for the prosecution of several patent applications including the subject application and that I have been employed over the past year in the capacity of Prosecution and Licensing Assistant and, accordingly, my responsibilities encompass the subject patent application. I hereby declare as follows and unless indicated otherwise, believe I could completely testify thereto.

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2. To the best of my information and belief, and in accordance with my usual practice, I consulted the computer docketing records relating to the subject application prior to April 17, 2003, and as a result was informed that a response had been filed to the Office Action of October 17, 2002. That on or about May 15, 2003, I was informed that Examiner Stella Woo had left a message regarding the subject application (Serial No. 09/827,614) indicating that the case was coming up for abandonment.

3. That shortly after May 15, 2003, I conferred extensively with Deanne Dale, Reena Kuyper and Byard Nilsson, in relation to the message from Examiner Woo and the docketing records indicating that a response had been filed to the October Office Action. Ms. Dale declined knowledge of any aspects of the application, the October Office Action, or any response thereto apart from the docketing records. Although she was responsible for docketing entries, she declined any recollection of entering the recorded response in question. Afterward, until the time of her leaving the employment of A2D, L.P.(June 6, 2003). I frequently confronted her regarding the application in question; however, without obtaining any explanation. After the time of conferring with other persons regarding the situation, I requested that each person in the patent operations at A2D, L.P. conduct an extensive search in the office, at their home and otherwise for any response to the October Office Action.

4. During the period between May 15, 2003 and the present time, the demands on my working time have been extremely heavy, primarily as a result of litigation involving A2D,

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L.P., a partnership related to the Assignee of the subject application. However, during that period I have searched extensively for a response to the Office Action in question and any record or indication thereof, without success.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Respectfully submitted,

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